

Draft III Guide to the Illinois Clean Indoor Air Act

Introduction

On July 1, 1990 the Illinois Clean Indoor Air Act (Public Act 86-1018) went into effect. The new law restricts smoking in public areas and places of work in Illinois. The law is designed to accommodate the preferences of nonsmokers and smokers. The (organization name) has prepared this guide to help Illinois businesses and citizens understand their responsibilities and rights under the new law.

What does the law do?

The new law sets forth specific standards regulating smoking in public areas and workplaces in Illinois. Generally, the new law requires that smoking be permitted only in designated smoking areas. [Section 4]

Which buildings and facilities are included under the law?

The law applies to all "public places" in Illinois. ^{ly owned} A "public place" is defined broadly to include a variety of public, private, and semi-public facilities and buildings. [Section 3c] Examples include:

- Offices
- Restaurants
- Retail and commercial establishments
- Elevators
- Arenas
- Meeting rooms
- Libraries
- Educational facilities
- Indoor theaters
- Art museums
- Public transportation
- Hospitals
- Nursing Homes
- Concert Halls and auditoriums

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Are there any buildings and facilities not covered by the law?

Yes. The law does not regulate smoking in certain types of indoor areas and buildings. [Sections 3c and 4] Examples include:

- Private, enclosed offices occupied exclusively by smokers
- Bars
- Bowling alleys
- Hotel rooms
- Factories, warehouses and similar places of work not frequented by the public
- Rooms or social halls rented for private social functions

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Does the new law ban smoking outright?

No. Smoking areas are not banned by the law. The law permits the accommodation of smoking and nonsmoking individuals. Employers and building managers may designate smoking areas anywhere indoors except those areas otherwise prohibited by existing laws, e.g., elevators and other areas covered by fire and health department regulations. [Section 4]

What is required to designate a smoking area?

Under the law, employers and building managers are required to do the following in designating a smoking area:

- (1) Use existing physical barriers, ventilation systems and other related elements to minimize intrusion into nonsmoking areas. There is, however, no need to redesign existing facilities nor incur any costs for retrofit work.
- (2) Designate a "reasonable portion" of a single room or enclosed area as a smoking area.
- (3) Make reasonable efforts to prevent smoking in the public places outside established smoking areas by posting appropriate signs, e.g., "Smoking" and "No Smoking", and by providing other compliance measures. [Sections 5 and 6]

Can individuals smoke outdoors?

Yes. The law applies only to certain indoor public places and facilities. Individuals are free to smoke in designated or exempt areas, in the outdoors and in the privacy of their homes. [Section 3c]

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Do employers have to establish a written smoking policy?

No. The new law does not require employers to prepare a written smoking policy. It is, however, a good idea to have a written policy to ensure that individuals understand their rights and responsibilities. A sample smoking policy is provided at the end of this brochure.

If someone violates the provisions of the new law, are employers and building managers obligated to act as "policemen"?

No. The law requires that employers and building managers make a good faith effort to ensure compliance with the law. Beyond that, the Illinois Department of Public Health and local health boards are responsible for ensuring compliance. [Sections 6 and 8]

If a local smoking ordinance conflicts with the new state law, which law takes precedent?

The new state law specifically prohibits municipalities from regulating smoking in public places. However, ordinances concerning the regulation of smoking adopted by home rule units prior to October 1, 1989 are exempt from the provisions of the new law and remain in effect. It is best to consult with the local government to determine which law takes precedence. [Section 11]

If employers and building managers make a good faith effort to comply with the new law, have they satisfied all obligations under Illinois or municipal law?

Maybe. It is likely, however, that there are other state and municipal regulations that pertain to smoking that must be satisfied as well. For example, the state fire marshal or local fire authority may have existing prohibitions on smoking in designated areas. Additionally, local health departments may also regulate tobacco use in food preparation areas. The new law does not add to or subtract from any other legal obligation or liability in connection with indoor smoking. [Section 5]

What if employers and building managers have specific questions about implementing and complying with the provisions of the new law?

The (organization name) has established a toll free number to answer questions about the new law and to help understand how the law effects you. The number is: 1 - 800 - _____. Representatives will be available to answer your questions anytime between 9:00 a.m. and 5:00 p.m..

(Attachments: sample smoking policy and a copy of the law)

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WORKPLACE SMOKING POLICY

Illinois Public Act 86-1018, effective July 1, 1990, establishes specific standards regulating smoking in public places and the workplace. This employer has adopted the following smoking policy to ensure accommodation of the preferences of smoking and nonsmoking employees alike.

- (A) Smoking is permitted only in designated areas or as otherwise described herewith. Designated smoking areas will be clearly posted.
- (B) Efforts will be made to separate designated smoking areas from nonsmoking areas with the use of existing physical barriers, ventilation systems and other physical elements of the premises to minimize the intrusion of smoke into nonsmoking areas.
- (C) Signs shall be posted to identify areas as "Smoking" or "No Smoking."
- (D) Employees may choose either the smoking or nonsmoking section of the cafeteria, lunchroom or lounge. Signs shall be clearly posted to identify each area.
- (E) In private, enclosed offices, smoking is permitted at the discretion of the occupant.
- (F) Smoking is prohibited in elevators.
- (G) Suggestions and complaints regarding this policy shall be made to the director of human resources.
- (H) By law, no employee may be discriminated against in any manner while exercising any rights afforded by this policy.
- (I) This employee smoking policy is effective as of _____.

EXCLUSIVE

Date

Official Signature

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